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and Certain of Its Affiliates

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11 Case No.
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	: 08-13555 (SCC)
Debtors.	: (Jointly Administered)
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**APPELLEE-PLAN ADMINISTRATOR’S COUNTER-DESIGNATION OF  
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL<sup>1</sup>**

Appellee Lehman Brothers Holdings Inc., as Plan Administrator under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* (“LBHI”), hereby designates, pursuant to Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the following additional items to be included in the record on the appeal filed by Dan Ianello, and joined in by Rex Wu (collectively, the “Appellants”):<sup>2</sup>

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<sup>1</sup> The items designated for inclusion in the record herein are in reference to the appeal of Dan Ianello, which has been joined by Rex Wu [ECF No. 59833], under the caption *Dan Ianello v. Lehman Brothers Holdings Inc.*, Case No. 1:19-cv-06397-PAE. Please transmit the items designated herein to the docket of each appeal.

<sup>2</sup> Although LBHI disagrees with aspects of the statement of issues on appeal as asserted by Appellants, LBHI has not stated the issues on appeal more accurately herein because Rule 8009 of the Bankruptcy Rules does not provide for the filing of an appellee’s statement of the issues (absent a cross-appeal). LBHI, therefore, reserves its right to properly state the issues on appeal in its appellate brief.

**COUNTER-DESIGNATION OF RECORD**

LBHI hereby designates the additional items outlined below to be included in the record, and, as applicable, incorporates the items designated by the Appellants. The Appellants' designation of the record, however, did not specify whether it was including all exhibits and attachments to the items designated. For the avoidance of doubt, for the items designated by either LBHI or the Appellants, LBHI treats the designations as including *all* exhibits and attachments to such items, whether listed or not by either LBHI or the Appellants. Moreover, while LBHI does not, at this time, object to any items designated by the Appellants, LBHI does not concede the relevance of any such items.

The items to be included in the record are as follows:

<b>Designation Number</b>	<b>ECF Number</b>	<b>Date of Filing</b>	<b>Description</b>
1.	4271	7/02/2009	Order Establishing the Deadline for Filing Proofs of Claim, Approving the Form and Manner of Notice Thereof and Approving the Proof of Claim Form
2.	12413	10/28/2010	Order Granting Debtors Forty-First Omnibus Objection to Claims
3.	12527	11/03/2010	Order Granting Debtors Fortieth Omnibus Objection to Claims
4.	12671	11/10/2010	Order Granting Debtors Forty-Eighth Omnibus Objection to Claims
5.	12676	11/10/2010	Order Granting Debtors Fifty-Fifth Omnibus Objection to Claims
6.	12835	11/17/2010	Order Granting Debtors Fiftieth Omnibus Objection to Claims
7.	12893	11/18/2010	Order Granting Debtors Forty-Ninth Omnibus Objection to Claims
8.	18427	7/12/2011	Order Granting Debtors One Hundred Forty-Third Omnibus Objection to Claims

<b>Designation Number</b>	<b>ECF Number</b>	<b>Date of Filing</b>	<b>Description</b>
9.	19528	8/25/2011	Supplemental Order Granting Debtors One Hundred Fifty-Second Omnibus Objection to Claims (Amended and Superseded Claims)
10.	19629	9/01/2011	Debtors Disclosure Statement for Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors Pursuant to Section 1125 of the Bankruptcy Code
11.	19631	9/01/2011	Amended Order (I) Approving the Proposed Disclosure Statement and the Form and Manner of Notice of the Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling a Confirmation Hearing, and (IV) Establishing Notice and Objection Procedures for Confirmation of the Debtors Joint Chapter 11 Plan
12.	20107	11/16/2011	Debtors Two Hundred and Eighteenth Omnibus Objection to Disallow and Expunge Certain Filed Proofs of Claim
13.	22737	11/29/2011	Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors filed by Lori R. Fife on behalf of Lehman Brothers Holdings Inc.
14.	23023	12/06/2011	Order Confirming Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors
15.	23049	12/07/2011	Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims
16.	23049	2/07/2011	Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims
17.	26039	3/06/2012	Notice of Effective Date and Distribution Date in Connection with the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
18.	27630	4/27/2012	Supplemental Order Granting Debtors Two Hundred Eighteenth Omnibus Objection to Disallow and Expunge Certain Claims

<b>Designation Number</b>	<b>ECF Number</b>	<b>Date of Filing</b>	<b>Description</b>
19.	46304	9/13/2014	Rickey Gregory Response to Order Granting Motion for Authorization for Lehman Brothers Special Financing Inc. and Lehman Brothers Commercial Corporation to invest disputed claims reserves for claim numbers 66455 and 66476
20.	59409	1/22/2019	Joint Liquidators' Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
21.	59549	2/25/2019	Plan Administrators Objection to Motion to Allow Late Claim
22.	59555	2/26/2019	Rickey Gregory Letter in Support of Joint Liquidators Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
23.	59614	4/08/2019	Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for Purposes of Distributions
24.	59659	4/25/2019	Joinder of M. Gregory Rex Wu's Motion
25.	59680	5/06/2019	Statement Notice of Errata re: Rex Wu's Motion
26.	59686	6/06/2019	Letter to Judge Chapman re: Support for Rex Wu's Motion
27.	59715	5/13/2019	Rex Wu letter regarding Joinder to Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
28.	59735	5/23/2019	Joinder of Dan Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
29.	59736	5/23/2019	Joinder of Julie Ianello to Motion of Rex Wu to Approve Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions

<b>Designation Number</b>	<b>ECF Number</b>	<b>Date of Filing</b>	<b>Description</b>
30.	59738	5/29/2019	Plan Administrator's Objection to Motion to Allow Late Claim
31.	59741	5/31/2019	Joinder of Alex Olivo to Rex Wu's Motion
32.	59751	6/06/2019	Response to the Plan Administrator's Objection to Notice of Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions
33.	59753	6/03/2019	Joinder of Glen A. Blaze to Rex Wu's Motion
34.	59755	6/04/2019	Joinder of Elizabeth Harrison to Rex Wu's Motion
35.	59772	6/13/2019	Objection to the Timing of the Early Distribution
36.	59773	6/13/2019	Motion of Rex Wu to Demand Services
37.	59789	6/18/2019	Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
38.	59790	6/18/2019	Objection of the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its affiliated Debtors
39.	59791	6/18/2019	Objection to the Motion of Plan Administrator for an Order in aid of Execution of the Modified Third Amended Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors
40.	59792	6/18/2019	Motion to Approve Motion to Demand Service
41.	59793	6/18/2019	Motion to Approve Motion to Demand Service
42.	59801	7/02/2019	Order Denying Motion for an Order Enforcing the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors for Purposes of Distributions filed by Rex Wu (ECF NO. 59614) and Overruling Related Objections to the Timing of Eighteenth Distribution
43.	59816	7/11/2019	Notice Regarding Eighteenth Distribution Pursuant to the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors

<b>Designation Number</b>	<b>ECF Number</b>	<b>Date of Filing</b>	<b>Description</b>
44.	Exhibit A hereto	6/19/2019	Transcript from hearing held on June 19, 2019
45.	Exhibit B hereto	9/21/2009	Capital Trust III Allowed Claim No. 21805 against LBHI
46.	Exhibit C hereto	9/21/2009	Capital Trust IV Allowed Claim No. 22122 against LBHI
47.	Exhibit D hereto	9/21/2009	Capital Trust V Allowed Claim No. 22123 against LBHI
48.	Exhibit E hereto	11/30/2011	Capital Trust VI Allowed Claim No. 67753 against LBHI

Dated: August 2, 2019  
New York, New York

/s/ Garrett A. Fail  
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